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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3732 OF 2007

Mrs.Ankita Sarvasiddhi Krishamohan .. Applicant

V/s

State of Maharashtra .. Respondent

Mr.A.M. Saraogi i/b Mr.Karanti S.S. Anand for the applicant.

Ms.R.M. Gadhavi, A.P.P. for the State.

CORAM : D.G. KARNIK, J.

DATE : 28TH NOVEMBER 2007

**P.C.** :

1. Heard the learned counsel for the applicant and the learned A.P.P.

2. This application under section 438 of the Cr.P.C. is filed for anticipatory bail in connection with the crime registered with the Oshiwara Police Station at C.R. No.25/2007 punishable under sections 420 read with 120(B) and 34 of the I.P.C.

2. The prosecution case in short is that the applicant is a Director and/or person in the management of Green River Developers Pvt. Ltd. The applicant and/or her companies were carrying on the business as sub-agent for an advertising agency. The applicant approached the complainant who is carrying on business of advertising agency as Mahesh Advertising and Designing. The applicant got published several advertisements through the complainant, but did not pay the amount due. The cheques issued by the applicant/her companies were dishonoured. Separate prosecutions under section 138 of the Negotiable Instruments Act are pending against the applicant. It is alleged that the applicant had no intention of making the payment since beginning and, therefore, she has committed the offence of cheating.

3. After having heard the learned counsel for the applicant and the learned A.P.P., it prima facie appears that there is a civil dispute between the complainant and the applicant. It is the case of the applicant that no amount is due to the complainant.

4. Learned A.P.P. for the State opposes the grant of anticipatory bail on the ground that the applicant is not cooperating with the investigation. Learned counsel

for the applicant on the last date produced for my inspection a diary showing that the applicant had attended the police station at least on 8 occasions and the diary bears the signatures of the A.P.I. As the signatures on the diary could not be identified by the P.S.I. present in the court, A.P.I. was called. Today, the A.P.I. admits that those were his signatures and that the applicant attended the police station at least on 8 occasions. Thus, it cannot be said the applicant is not cooperating with the investigation into the alleged crime.

5. Taking an overall view of the matter, the applicant is entitled to anticipatory bail. Hence, I pass the following order.

6. In the circumstances, the applicant is entitled to anticipatory bail. Hence, I pass the following order:-

**ORDER**

In the event of the arrest of the applicant in connection with the crime bearing C.R. No.25/2007 registered with the Oshiwara Police Station, the applicant shall be released on bail on executing a

personal bond of Rs.25,000/- with one surety in the like amount subject to the following conditions:

(a) The applicant shall cooperate with the investigation and attend the police station as and when required by the police. In addition, the applicant shall also attend the police station once in a week on every Monday between 4.00 p.m. and 5.00 p,m. for a period of 3 months.

(b) The applicant shall not make any inducement nor give any threats to any of the prosecution witnesses and shall not in any manner tamper with the prosecution witnesses.

(c) This order shall come to an end on the charge sheet being filed and the applicant shall be entitled to apply for regular bail before the Sessions Court.

7. After this order was dictated, learned counsel for the applicant states that the applicant may be exempted from personal attendance to the police station on 3rd December and 10th December 2007 as she is appearing for the First Year L.L.B. examination. The applicant is granted exemption from personal appearance before the police station on 3rd December 2007 and 10th

December 2007 only.

(D.G. KARNIK, J.)